

ENTERED

September 06, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

JUAN MANUEL ALBARADO,

Plaintiff,

VS.

TRESPASSERS AB INITIO,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:18-CV-123

ORDER

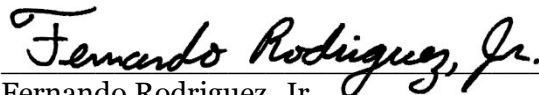
On August 13, 2018, the United States Magistrate Judge filed a Report and Recommendation (Doc. 23) Plaintiff has timely objected to the Report and Recommendation (Doc. 27).

The Court has conducted a *de novo* review of the Magistrate Judge's Report and Recommendation and Mr. Albarado's objections. While Mr. Albarado devotes most of his filing to matters unrelated to the Report and Recommendation, in a final section, he does request the right to amend his Complaint to remove "Trespassers Ab Initio" as the defendant and add four new defendants, including three named individuals and the "Republic of Mexico." Mr. Albarado ostensibly seeks to amend his Complaint to create diversity jurisdiction. But Mr. Albarado's request is futile and insufficient, as he fails to provide any information about the three individuals that would suffice to demonstrate diversity jurisdiction, and he does not indicate how he could validly advance his alleged claims against a foreign country in a United States federal court. *See, e.g.*, 28 U.S.C. § 1330 (Foreign Sovereign Immunities Act).

As a result, the Court overrules Mr. Albarado's objections, denies his request to amend his Complaint, and ADOPTS the Report and Recommendation. Accordingly, it is:

ORDERED that Plaintiff's Complaint is Dismissed without prejudice for lack of subject matter jurisdiction.

SIGNED this 6th day of September, 2018.



Fernando Rodriguez, Jr.
United States District Judge